

1 AN ACT in relation to criminal statistics and law
2 enforcement.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Attorney General Act is amended by adding
6 Section 4.5 as follows:

7 (15 ILCS 205/4.5 new)

8 Sec. 4.5. Criminal statistics compilation and
9 investigation. Upon the referral of any complaint or report
10 from the Department of State Police to the Attorney General
11 or upon receipt of any other complaint involving disparities
12 in the enforcement of criminal law within the scope of
13 Section 2605-395 of the Department of State Police Law, the
14 Attorney General shall investigate the matter. In connection
15 with the investigation, the Attorney General shall obtain
16 data under paragraph (8) of that Section. The Attorney
17 General shall take any remedial or enforcement measures as
18 the investigation may reveal to be warranted. The Attorney
19 General shall publish an annual report of activities
20 undertaken under this Section.

21 Section 10. The Department of State Police Law of the
22 Civil Administrative Code of Illinois is amended by adding
23 Section 2605-395 as follows:

24 (20 ILCS 2605/2605-395 new)

25 Sec. 2605-395. Compilation of law enforcement
26 statistics.

27 (a) The Department shall have the following duties with
28 respect to the compilation of criminal history record
29 information:

1 (1) To collect and correlate criminal history
2 record information, including crimes committed, arrests
3 made, dispositions on preliminary hearings, prosecutions,
4 convictions, acquittals, punishment, appeals, together
5 with the age, race or ethnicity, and sex of the offender,
6 and any other information concerning crime and criminals
7 as may appear significant or helpful. To correlate this
8 information with the operations of agencies and
9 institutions charged with the supervision of offenders
10 sentenced to probation, conditional discharge,
11 imprisonment in a penal institution, or periodic
12 imprisonment and to offenders serving a term of parole or
13 mandatory supervised release, so as to show the volume,
14 variety, and tendencies of crime and criminals and the
15 administration of the criminal law in connection with the
16 arrest, trial, sentencing and the terms and conditions of
17 parole and mandatory supervised release of all criminals
18 in this State.

19 (2) To collect, correlate, and maintain the
20 following information regarding traffic law enforcement
21 by every peace officer:

22 (A) the number of drivers stopped for routine
23 traffic enforcement by every peace officer and
24 whether or not a citation or warning was issued;

25 (B) identifying characteristics of the drivers
26 stopped, including the race or ethnicity,
27 approximate age, and sex;

28 (C) the alleged traffic violation that led to
29 the stop;

30 (D) whether or not a search was instituted as
31 a result of the stop;

32 (E) whether or not the vehicle, personal
33 effects, driver, or passenger or passengers were
34 searched, and the race or ethnicity, approximate

1 age, and sex of each person searched;

2 (F) whether the search was conducted with
3 consent, probable cause, or reasonable suspicion to
4 suspect a crime, including the basis for the request
5 for consent, or the circumstances establishing
6 probable cause or reasonable suspicion;

7 (G) whether or not any contraband was found
8 and the type and amount of any contraband;

9 (H) whether or not any written citation or any
10 oral or written warning was issued as a result of
11 the stop;

12 (I) whether or not an arrest was made as a
13 result of either the stop or the search;

14 (J) whether or not any property was seized,
15 with a description of that property;

16 (K) whether or not the officers making the
17 stop encountered any physical resistance from the
18 driver or passenger or passengers;

19 (L) whether or not the officers making the
20 stop engaged in the use of force against the driver,
21 passenger, or passengers for any reason;

22 (M) whether or not any injuries resulted from
23 the stop; and

24 (N) whether or not the circumstances
25 surrounding the stop were the subject of any
26 investigation, and the results of that
27 investigation.

28 The information required by this paragraph (2) is
29 not required to be collected in connection with
30 roadblocks, vehicle checks, or checkpoints that are
31 consistent with the laws of this State and with the State
32 and federal constitutions, except when those stops result
33 in a warning, search, seizure, arrest, or any of the
34 other activity described in subparagraphs (D) through (N)

1 of this paragraph (2).

2 (3) To transmit the information so collected to the
3 Center for Public Safety at Northwestern University.

4 (4) Information released under this Section may not
5 reveal the identity of any individual who is stopped.

6 (5) Every law enforcement agency shall collect and
7 transmit to the Department, in such manner and at such
8 times as the Department may require, such data as it
9 requires to enable it to perform its duties under this
10 Section.

11 (6) If the Department receives a complaint
12 regarding improper criminal law enforcement, it shall
13 refer the complaint to the Attorney General for
14 investigation.

15 (7) In connection with any investigation, the
16 Department shall furnish to the Attorney General any and
17 all pertinent information collected, compiled, or
18 analyzed, including raw data, under this Section.

19 (8) Any statistically significant aberrations found
20 by the Department shall be referred to the Attorney
21 General for investigation.

22 (9) From any funds that may be available for these
23 purposes, the Department may make grants to law
24 enforcement agencies to aid them in the performance of
25 duties imposed under paragraph (5) of this subsection
26 (a).

27 (b) The Department shall engage the services of the
28 Center for Public Safety at Northwestern University to make
29 scientific study, analysis, and comparison from the
30 information so collected and correlated with similar
31 information gathered by federal agencies, and to provide the
32 Governor, the Attorney General, and the General Assembly with
33 the information so collected and analyzed annually, or more
34 often if required by the Governor.

1 (c) In analyzing the data collected under this Section,
2 the Center for Public Safety at Northwestern University shall
3 scrutinize the data for evidence of statistically significant
4 aberrations. The 0.05 level of statistical significance shall
5 be presumed to be evidence of an aberration. The following
6 list, which is illustrative and not exclusive, contains
7 examples of areas in which statistically significant
8 aberrations may be found:

9 (1) the percentage of minority drivers or
10 passengers being stopped in a given area is substantially
11 higher than the proportion of the overall population in
12 or traveling through the area that the minority
13 constitutes;

14 (2) a substantial number of false stops, including
15 stops not resulting in the issuance of a traffic ticket
16 or the making of an arrest;

17 (3) a disparity between the proportion of citations
18 issued to minorities and the proportion of minorities in
19 the population;

20 (4) a disparity among the officers of the same law
21 enforcement agency with regard to the number of minority
22 drivers or passengers being stopped in a given area; and

23 (5) a disparity between the frequency of consent
24 searches performed on minority drivers or passengers and
25 the frequency of consent searches performed on
26 non-minority drivers or passengers.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.